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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TAMARINA COURNOYER

Plaintiff,

vs.

TARGET CORPORATION d/b/a TARGET
#2472

Defendant.

CASE NO.:

**DEFENDANT TARGET
CORPORATION'S PETITION FOR
REMOVAL AND DEMAND FOR JURY
TRIAL**

**DEFENDANT TARGET CORPORATION'S PETITION FOR REMOVAL AND
DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Defendant TARGET CORPORATION, by and through its attorney, Alan W. Westbrook, Esq. of PERRY & WESTBROOK, a Professional Corporation, hereby removes this action from the Second Judicial District Court of the State of Nevada, in and for Clark County, Nevada, to the United States District Court for the District of Nevada, pursuant to Section 1441 of Title 28 of the United States Code (Diversity of Citizenship).

This removal of this action is based upon the following:

1 1. This action is a civil action within the meaning of Acts of Congress relating to
2 removal of cases.

3 2. Plaintiff Tamarina Cournoyer filed a Complaint for damages in the Second Judicial
4 District Court, in and for Clark County, Nevada (the State Court). The State Court assigned this
5 matter number CV20-00828. The Complaint alleged a cause of action for negligence against
6 Defendant (a copy of the original Complaint is attached as Exhibit A).

7 3. The Complaint filed alleges damages “in a sum in excess of \$15,000.00.”

8 4. Plaintiff’s counsel submitted a correspondence dated December 27, 2019, in which
9 the injuries of Plaintiff were described as including a fracture of her right hand and injury to her
10 right knee, resulting in MRI testing, injection, physical therapy and surgery. The medical special
11 damages related to the medical treatment amounted, at that time, to \$52,040.84. The
12 correspondence further asserted that the Plaintiff had lost wages associated with the subject
13 incident totaling \$21,640.80. The Plaintiff concluded the letter by demanding an amount several
14 times the \$75,000.00 jurisdictional threshold of this Court’s jurisdiction.

15 5. Removal to this Court is based upon the receipt of the Complaint, the Plaintiff’s
16 counsel’s demand letter, and the provided medical records and bills. See 28 U.S.C. § 1446(b)(1)
17 The Defendant was served with the Complaint , by service on their resident agent on June 17,
18 2020, and therefore, this Petition is filed within 30 days after receipt by the defendant, through
19 service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which
20 such action or proceeding is based.

21 6. This Court has original jurisdiction over the claims alleged here for the reasons set
22 for below:
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1 a. According to the Complaint Plaintiff is, and was at all times relevant, a
2 resident of Clark County, Nevada.

3 b. Defendant Target Corporation is incorporated in Minnesota, with its
4 principle place of business in Minnesota.

5 c. Based upon the Plaintiff's counsel's letter, description of injuries, the
6 continuation of the suffering of Plaintiff, the incurred medical expenses of \$52,040.84, and
7 asserted wage loss of \$21,640.80.

8 d. The State Court action is a civil action between citizens of different States,
9 and the matter in controversy exceeds \$75,000.00, exclusive of costs and interest. The District
10 Court has original jurisdiction over the matter pursuant to 28 U.S.C., Section 1332.

11 7. Defendant served a copy of this Notice of Removal on July 7, 2020, by filing a
12 Notice of Removal with the State Court and having it electronically served through the Court filing
13 system.

14 8. Defendant respectfully demands a trial by jury of the above-captioned matter.

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1 WHEREFORE, Defendant hereby removes the State Court Action pending as Case No.
2 CV20-00828 in the Second Judicial District Court of the State of Nevada, in and for Clark County,
3 Nevada, to this Honorable Court.
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5 DATED this 7th day of July, 2020.

6 PERRY & WESTBROOK
7 A Professional Corporation

8 /s/ Alan W. Westbrook
9 ALAN W. WESTBROOK, ESQ.
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15 Email: awestbrook@perrywestbrook.com
16 *Attorney for Defendant Target*

17 **CERTIFICATE OF SERVICE**

18 I HEREBY CERTIFY that on the 7th day of July, 2020, a true and correct copy of the
19 foregoing was served upon the following counsel via the Court's electronic filing and service
20 system:
21

22 Christopher Connell, Esq.
23 6871 Las Vegas Boulevard
24 Suite 210
25 Las Vegas, NV 89119

26 Attorney for Plaintiff

27 /s/ Jonna Linke
28 An Employee of PERRY & WESTBROOK,
A Professional Corporation